

APR 06 2005

REGISTERED PATENT ATTORNEYS
JOHN JAMES MCGLEW J.D., N.Y., N.J., DC BARS
W. DARREN KANG J.D., N.J. BAR only

ROBERT I. DENGLER, PATENT AGENT
ILDA S. MCGLEW M.D., PATENT AGENT

McGLEW AND TUTTLE, P.C.

PATENT, TRADEMARK, COPYRIGHT, AND UNFAIR COMPETITION CAUSES

Counselors at Law

SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-9227

TEL: (914) 941-5600
FACSIMILE: (914) 941-5855
EMAIL: MandT@mglewtuttle.com

ATTORNEY DOCKET NO: 71034
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant	: HOLMES
Serial No	: 10/664,703
Confirm. No	: 5196
Filed	: September 18, 2003
For	: BALL-AND-SOCKET...
Art Unit	: 3679
Examiner	: Michael P. Ferguson
Dated	: April 6, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

CERTIFICATE OF FACSIMILE TRANSMISSION

I HEREBY CERTIFY THAT THIS PAPER FOR SERIAL NO. 10/664,703 (3 PAGES IN ALL) IS
BEING FACSIMILE TRANSMITTED TO THE PATENT AND TRADEMARK OFFICE
FACSIMILE NUMBER 1-703-872-9306 ON THE DATE SHOWN BELOW.

Toni Ann Fonte
NAME OF PERSON SIGNING CERTIFICATION

Toni Ann Fonte
SIGNATURE

DATED: April 6, 2005
McGЛЕW AND TUTTLE, P.C.
BOX 9227 SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-9227
TELEPHONE: (914) 941-5600
FACSIMILE: (914) 941-5855

NOTE: IF THERE IS ANY ADDITIONAL FEE DUE PLEASE CHARGE IT TO OUR
DEPOSIT ACCOUNT 13-0410 AND ADVISE US OF ANY CHARGE THAT YOU
MAKE

71034.11

RECEIVED
CENTRAL FAX CENTER

APR 8 6 2005

ATTORNEY DOCKET NO: 71034

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : HOLMES
Serial No : 10/664,703
Confirm. No : 5196
Filed : September 18, 2003
For : BALL-AND-SOCKET...
Art Unit : 3679
Examiner : Michael P. Ferguson
Dated : April 6, 2005

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RESPONSE TO REQUIREMENT UNDER 35 USC § 121

Applicant hereby elects Invention I with claims 1 - 9, 28 and 29 drawn to a ball-and-socket joint. Applicant further elects Species 1 shown in Figures 11 - 13. Applicant notes that claims 1, 2, 7 and 8 are sub-generic as they are readable on Species 1, 2 and 3. Claims 1 - 4, 7 and 8 are readable on the elected species.

Favorable action on the merits is requested.

Respectfully submitted
for Applicant,

By:


John James McGlew
Registration No. 31,903
McGLEW AND TUTTLE, P.C.

JJM:t:f
71034.9

DATED: April 6, 2005
BOX 9227 SCARBOROUGH STATION
SCARBOROUGH, NEW YORK 10510-9227
(914) 941-5600

SHOULD ANY OTHER FEE BE REQUIRED, THE PATENT AND TRADEMARK OFFICE
IS HEREBY REQUESTED TO CHARGE SUCH FEE TO OUR DEPOSIT ACCOUNT 13-
0410.